

Appl. No. 09/941,096
Amtd. Dated October 9, 2003
Reply to Office Action of June 9, 2003

*** REMARKS/ARGUMENTS ***

The present Preliminary Amendment is being filed together with a Request for Continued Examination (RCE).

By the present Preliminary Amendment each of the independent claims have been changed to recite that "the plurality of bulgy structural zones extending continuously in one direction in parallel and spaced substantially uniformly apart from one another."

Support for this limitation can be readily found in applicant's drawings, particularly Figs. 1, 2, 4 and 5.

Entry of the changes to the claims is respectfully requested.

In the Official Action of June 9, 2003 the Examiner rejected claims 1-10 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,244,716 to Thornton et al. in view of U.S. Patent No. 4,908,263 to Reed et al.

As stated in the Advisory Action of October 3, 2003, the Examiner has taken the position that:

Thornton et al teaches that the film becomes corrugated and corrugated is defined as forming parallel and alternating ridges and grooves which corresponds to the claimed parallel bulges and substantially flat zones.

Thornton et al teaches that the "first material is corrugated, ruched or puckered or otherwise gathered" at column 4, line 56-58, et seq.

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Figure 6 of Thornton et al illustrates "the puckered, ruched or corrugated configuration of the film or membrane" of Thornton et al.

As the Examiner will note from Fig. 6, the physical texture of Thornton et al. is completely random and there are no adjacent "pleats" that are parallel to one another as the Examiner purports. Moreover there are no "bulgy structural zones extending in one direction in parallel and spaced apart from one another" which are also "substantially flat zones defined between adjacent ones of the bulgy structural zones" as required by applicants' pending claims.

The Examiner is urged to compare Fig. 6 of Thornton et al. with applicants' Fig. 1.

The Examiner stated that in Thornton et al. the "two layers are discontinuously bonded" together.

Applicants' claims require that the thermoplastic synthetic resin film is "welded along said bulgy structural zones to said thermoplastic synthetic resin fibrous sheet."

It is submitted that Thornton et al. only teaches that a "discontinuous adhesive is provided between the two layers and that two layers are adhered whilst the second layer at least is held in the stretched state."

This means that the "puckered, ruched or corrugated configuration" of the second layer (being stretched) would be absent so that the discontinuous adhesive would not provide welding along the "puckered, ruched or corrugated" structure.

According to *Webster's Dictionary* (www.webster.com) "corrugate" is defined as "to form or shape into wrinkles or folds or into alternating ridges and grooves." In fact the word "corrugate"

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comes from the Latin word *corrugatus*, past participle of *corrugare*, which comes from *com-* + *ruga* wrinkle.

Accordingly, the term “corrugated” can encompass shapes that are wrinkled or folded or have alternating ridges and grooves.

In order to determine what “corrugated” shape Thornton et al. actually teaches it is important to note that Thornton et al. teaches and seems to teach that “puckered, ruched or corrugated” configurations are equivalent. Such structure clearly fall into the definition of being wrinkled.

Moreover, as shown in Fig. 6, Thornton et al. clearly teaches a wrinkled pattern or shape.

Accordingly, it is submitted that a careful review of Thornton et al. reveals that Thornton et al. does not teach “alternating ridges and grooves.”

In order to more clearly distinguish applicant’s invention over Thornton et al. each of applicant’s independent claims have been changed to recite that “the plurality of bulgy structural zones extending continuously in one direction in parallel and spaced substantially uniformly apart from one another.”

The “puckered, ruched or corrugated configuration” Thornton et al. teaches in Fig. 6 and elsewhere does not include “bulgy structural zones extending continuously in one direction in parallel and spaced substantially uniformly apart from one another” according to applicant’s claimed as amended herein.

Accordingly, applicant’s pending claims are believed to distinguish over Thornton et al.

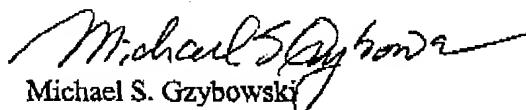
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Entry of the present Preliminary Amendment and an early examination of the application are respectfully requested.

If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved; the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,



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